



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**CORRECTED
LETTER OF DEFICIENCY
WET 05-057**

January 13, 2006

Ramsay and Elaine Willet
PO Box 581
Meredith NH 03253

RE: DES Wetlands File #2005-2034, Cleveland Way, New Hampton, Tax Map R4, Lot 64

Dear Mr. & Mrs. Willet:

This Corrected Letter of Deficiency ("LOD"), originally issued on December 28, 2005, is issued by the Department of Environmental Services, Wetlands Bureau to Ramsay and Elaine Willet. The original LOD cited the docket number as "WET 2005-056". The docket number has been corrected to "WET 05-057". In all other respects, the LOD remains in effect and all deadlines remain unchanged.

On November 8, 2005 personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of New Hampton Tax Map R4 as Lot 64 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, NH Code of Admin. Rules Wt 100-800, and compliance with Permit-by-Notification #2005-2034.

During the inspection the following deficiencies were documented:

1. Approximately 1,300 sq. ft. of wetland between Route 104 and the stream had been impacted in excess of your approved Permit-by-Notification;
2. An additional 100 sq. ft. of wetland between the stream and Cumberland Road had been filled in excess of your approved Permit-by-Notification;
3. Approximately 160 linear feet along the edge of a delineated wetland had been grubbed on the easterly side of the building area between Route 104 and the stream;
4. Siltation and erosion controls throughout the property had not been properly installed or maintained in violation of PBN Project #1, Condition #6; and
5. Sediment was observed in streams and wetlands on your property as a result of improperly maintained siltation/erosion controls.

In response, you are requested to take the following actions:

1. **Immediately** install proper erosion controls and implement effective stabilization methods to contain all exposed soils on the property.
2. **Within 14 days** of the date of the original Letter of Deficiency dated December 28, 2005, submit pictures to DES documenting the completion of #1.

3. **Within 60 days** of the date of the original Letter of Deficiency dated December 28, 2005, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for restoring all impacts in excess of those approved under Permit-by-Notification #2005-02034 including hand removal of deposited sediment in wetlands and surface waters.

Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and re-vegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
- e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

3. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Stacey Herbold, Compliance Specialist
Wetlands Bureau
Department of Environmental Services

January 13, 2006

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29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Stacey Herbold at (603) 271-4062.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0003 0561 8200

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Meredith Conservation Commission
Meredith Board of Selectmen
USACOE
Ames Associates
File # 2005-2034